

UNIVERSITY OF FORT HARE

**MODERN THEORIES AND
JUVENILE JUSTICE IN
CRIMINOLOGY**

DEGREE EXAMINATIONS

MAY/JUNE

2023

.....
Time: 3 Hours

Subject: CRM311

Marks: 100

This paper consists of 3 pages including the cover page

Internal Examiners

Mr L. Ngwane

Mr L. Bambeni

External Examiners

Dr S. Mkhize

INSTRUCTIONS

- **This paper has two sections - Section A and Section B.**
- **Section A consists of four questions, answer all questions.**
- **Section B consists of three questions, answer any two questions.**
- **Write neatly and legibly.**
- **Number your answers correctly**

SECTION A (ANSWER TWO QUESTIONS FROM THIS SECTION)

QUESTION 1

1. How can the principles of Anomie theory be applied to the analysis of contemporary social problems, such as poverty and inequality? [25 Marks]

Answer

- ✓ Anomie theory, also known as strain theory, was first proposed by Emile Durkheim in the late 19th century to explain the breakdown of social norms and the resulting sense of disorientation and lack of direction in individuals. The theory suggests that when social norms are weakened or disrupted, individuals may feel disconnected from society and may resort to deviant or criminal behavior as a way to cope with the resulting strain.
- ✓ In contemporary society, poverty and inequality are two of the most significant social problems that can be analyzed using anomie theory. The lack of access to resources and opportunities that result from poverty and inequality can create a sense of strain in individuals, leading to feelings of isolation, hopelessness, and powerlessness.
- ✓ For example, individuals living in poverty may experience a lack of social and economic resources, which can lead to a breakdown of social norms and a sense of disorientation. In this situation, some individuals may turn to deviant or criminal behavior as a way to cope with the strain they experience.
- ✓ Similarly, individuals who face systemic inequality may feel disconnected from society and may turn to deviant or criminal behavior as a way to assert their agency and cope with the sense of strain they experience. Anomie theory suggests that addressing poverty and inequality requires strengthening social norms and providing individuals with access to resources and opportunities to reduce the sense of strain they experience.
- ✓ Intrinsically, anomie theory provides a useful framework for understanding how social problems such as poverty and inequality can contribute to the breakdown of social norms and the resulting sense of disorientation in individuals. Addressing these problems requires strengthening social norms and providing individuals with access to resources and opportunities to reduce the strain they experience.

QUESTION 2

2. Discuss the role of reinforcement in shaping human behaviour according to “social learning perspective.” [25 marks]

Answer

- ✓ Social Learning Theory, developed by psychologist Albert Bandura, suggests that individuals learn new behaviors and attitudes by observing the behaviors of others and the outcomes that result from those behaviors. Reinforcement plays a critical role in shaping human behavior according to this theory.
- ✓ Reinforcement refers to the process of increasing the likelihood that a behavior will occur again in the future by either rewarding or punishing the behavior. Positive reinforcement involves providing a reward for a behavior that increases the likelihood of the behavior being repeated, while negative reinforcement involves removing an aversive stimulus to increase the likelihood of the behavior being repeated.
- ✓ Bandura argued that reinforcement is a powerful tool in shaping human behavior because it helps individuals learn which behaviors are likely to be successful and which behaviors are likely to be punished or unsuccessful. For example, if a child observes another child being rewarded for sharing a toy with their friend, they are more likely to engage in similar sharing behavior in the future. Conversely, if a child observes another child being punished for hitting a sibling, they are less likely to engage in hitting behavior in the future.
- ✓ In addition to direct reinforcement, Bandura also proposed that individuals can learn by observing the outcomes of others' behavior. This is known as vicarious reinforcement, and it can occur through direct observation of others or through the media. For example, if a child sees a celebrity being praised for donating money to a charity, they may be more likely to engage in charitable giving in the future.
- ✓ Furthermore, Social Learning Theory suggests that individuals are more likely to imitate behaviors of models they perceive as similar, competent and attractive. Therefore, the perceived characteristics of a model play an important role in shaping human behavior. For example, if a child sees a skilled athlete performing a particular exercise, they may be more likely to imitate the behavior if they perceive the athlete as competent and attractive.

QUESTION 3

3. How does Labeling Theory explain the process of criminalization and stigmatization of individuals in social milieu? [25 marks]

Answer

- ✓ Labeling Theory is a sociological perspective that explains how individuals come to be defined as criminals and how this definition leads to stigmatization and criminalization. This theory suggests that the process of criminalization and stigmatization is not necessarily based on objective criteria, but rather on the application of subjective labels by powerful social institutions, such as the criminal justice system.
- ✓ According to Labeling Theory, criminal behavior is not inherent in the individual but is rather a result of social interaction and the labels that are attached to certain behaviors. This means that an individual's behavior is not necessarily criminal until it is defined as such by others. For example, a person who uses drugs may not consider their behavior to be criminal until they are arrested and charged with a drug offense.
- ✓ The labeling process begins when an individual engages in behavior that is considered deviant or outside of the social norm. This behavior is often noticed by powerful social institutions, such as the police or the courts, who then label the individual as a criminal. Once an individual is labeled as a criminal, they may face social stigmatization and discrimination, which can lead to further criminal behavior.
- ✓ The process of labeling is not necessarily based on objective criteria, but rather on subjective judgments by those in positions of power. This means that the labeling process can be influenced by factors such as race, gender, and social class. For example, individuals who are poor or belong to a minority group may be more likely to be labeled as criminals than those who are wealthy or belong to the majority group.
- ✓ Labeling Theory suggests that the process of criminalization and stigmatization can have negative consequences for individuals and society as a whole. When individuals are labeled as criminals, they may internalize this label and begin to see themselves as deviant and outside of the social norm. This can lead to a self-fulfilling prophecy where the individual engages in further criminal behavior, reinforcing the label that has been attached to them.

SECTION B (ANSWER ALL QUESTIONS FROM THIS SECTION)

QUESTION 4

Under the Child Justice Act, Sarah is eligible for a diversion program that will involve her family and community in addressing the underlying causes of her behavior. Sarah's case is referred to a restorative justice conference, where she, her mother, the store owner, and a trained facilitator meet to discuss the harm caused by Sarah's shoplifting and agree on a plan to repair that harm.

During the conference, Sarah admits to stealing the items and apologizes to the store owner. The store owner explains how the theft has affected his business and expresses his concern for Sarah's future. Sarah's mother also apologizes for her daughter's behavior and acknowledges the need for support to address Sarah's underlying issues.

- 1. How can the Child Justice Act and the Juvenile Justice Act be used to promote restorative justice for children who commit crimes, and why is this approach important? [15 marks]**

Answer

- ✓ The Child Justice Act and the Juvenile Justice Act can be used to promote restorative justice for children who commit crimes by providing alternative approaches to traditional court proceedings. In Sarah's case, the Child Justice Act provided for a diversion program that involved a restorative justice conference where Sarah and her family could take part in repairing the harm caused by her shoplifting.
- ✓ Restorative justice conferences involve the offender, the victim, and other relevant parties in a dialogue to address the harm caused by the offense and to agree on a plan to repair that harm. This approach promotes accountability and responsibility on the part of the offender and can also help to prevent future offending.
- ✓ In Sarah's case, the conference allowed her to take responsibility for her actions and to apologize to the store owner. It also allowed the store owner to express his concerns and to be part of the solution, which can help to prevent future offending. Sarah's mother also acknowledged the need for support to address Sarah's underlying issues, which could help to prevent future offending.
- ✓ The restorative justice approach is important because it recognizes that children who commit crimes are still developing and may have underlying issues that contribute to their behavior.
- ✓ Punishment alone may not address these issues and may even lead to further offending. By involving the child's family and community in the justice process and addressing

the underlying causes of their behavior, restorative justice can help to prevent future offending and promote the overall well-being of the child.

QUESTION 5

John is a 16-year-old boy who has been charged with assault. He and a group of friends were involved in a fight with another group of boys at a local park. John's parents are divorced, and he has been living with his mother and stepfather for the past year. John has no previous convictions.

- 2. What are the key provisions of the Child Justice Act regarding diversion and alternative sentencing for children who commit crimes? [10 Marks]**

Answer

- ✓ In John's case, the Child Justice Act provides for diversion and alternative sentencing options that aim to address the underlying causes of his behavior and prevent future offending. The Act recognizes that children who commit crimes are still developing and that traditional court proceedings may not be the most effective way to promote their overall well-being.
- ✓ One key provision of the Child Justice Act regarding diversion is that it should be used as a first option for children who commit crimes, instead of the traditional court system. In John's case, he may be eligible for a diversion program that could involve counseling, therapy, education, or community service. The aim of the diversion program would be to address the underlying causes of his behavior and prevent future offending.
- ✓ Another key provision of the Child Justice Act regarding alternative sentencing is that a custodial sentence should only be imposed as a last resort and for the shortest appropriate period of time. In John's case, if a custodial sentence were to be imposed, it should be for the shortest possible period of time.
- ✓ Instead of a custodial sentence, John may be eligible for alternative sentencing options, such as community service or counseling. Alternative sentencing options recognize that traditional forms of punishment may not be the most effective way to prevent future offending and promote the overall well-being of the child.

QUESTION 6

A 14-year-old boy who has been charged with theft. Alex stole a mobile phone from another student at his school.

3. What is the purpose of the Child Justice Act, and how does it differ from the Juvenile Justice Act? [10 Marks]

Answer

- ✓ The purpose of the Child Justice Act is to promote the rehabilitation and reintegration of children who are in conflict with the law, while also ensuring that they are held accountable for their actions. The Act emphasizes the principles of restorative justice, diversion, and alternative sentencing, with the aim of promoting the overall well-being of the child.
- ✓ In contrast, the Juvenile Justice Act is an older piece of legislation that focuses more on punitive measures, with a greater emphasis on detention and confinement as a means of punishment for juvenile offenders.
- ✓ To illustrate the differences between the two acts, let us consider the case of Alex, a 14-year-old boy who has been charged with theft. Alex stole a mobile phone from another student at his school.
- ✓ Under the Child Justice Act, Alex's case would be handled through diversion or alternative sentencing options that focus on addressing the underlying causes of his behavior, such as counseling, community service, or restitution to the victim. The aim would be to promote rehabilitation and reintegration, and to prevent future offending.
- ✓ In contrast, under the Juvenile Justice Act, Alex would likely face traditional court proceedings, with a greater emphasis on detention or confinement as a means of punishment. The focus would be on holding Alex accountable for his actions, rather than on promoting his rehabilitation and reintegration.

QUESTION 7

Briefly describe the scope and importance of the Child Justice Act in the context of South Africa. [15 Marks]

Answer

- ✓ The Criminal Procedure Act (CPA) provides several protections for the rights of children who have been accused of a crime. These protections include the right to a fair trial, the right to legal representation, and the right to privacy, among others.
- ✓ For example, let us consider the case of Maria, a 15-year-old girl who has been accused of stealing a mobile phone from another student at her school. Maria has been arrested and taken to the police station for questioning.
- ✓ Under the CPA, Maria has several rights that must be protected during the investigation and trial process. These rights include:
 - The right to be informed of the charges against her in a language that she understands. This means that the police must inform Maria of the specific crime that she is accused of committing and explain the charges to her in a language that she understands.
 - The right to remain silent. Maria has the right to refuse to answer any questions that might incriminate her. The police must inform Maria of this right and cannot force her to answer any questions that might incriminate her.
 - The right to legal representation. Maria has the right to be represented by a lawyer during the investigation and trial process. If Maria cannot afford a lawyer, the state must provide one for her.
 - The right to privacy. Maria's identity and personal information must be protected during the investigation and trial process. The police and other authorities cannot release Maria's name or personal information to the public without her consent or a court order.